

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

In re:

ZANE BALLARD  
DIANE BALLARD  
Debtor

Case No. 11-3166-PMG

**DEBTOR'S MOTION TO MODIFY CONFIRMED PLAN**

---

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this motion without further notice or hearing unless a party in interest filed an objection within twenty-one (21) days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 300 North Hogan Street, Suite 3-350, Jacksonville, Florida 32202; and serve a copy on the movant's attorney, T. Eileen Dolaghan, 2219 Park Street, Jacksonville, FL 32204; Douglas Neway, Trustee, P.O. Box 4308, Jacksonville, FL 32201 and any other appropriate persons.

If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

---

COMES NOW the Debtor(s), by and through the undersigned attorney, pursuant to 11 U.S.C. §1129, and moves to modify the confirmed Chapter 13 plan and would state as follows:

1. The Debtor filed a voluntary petition for relief under Chapter 13 of the Bankruptcy Code on April 29, 2011.
2. A confirmation hearing was held on July 26, 2011 and the court confirmed the debtor's Chapter 13 Plan.
3. The Order Confirming Plan was entered on August 5, 2011.
4. Deadline for all Creditors to file a Proof of Claim was on September 12, 2011.

5. Attached as Exhibit "A" is the Proposed Modified Chapter 13 Plan.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion together with the Proposed Modified Chapter 13 Plan was provided electronically or by U.S. Mail, postage pre-paid, to all creditors and parties in interest on the attached mailing matrix this 19th day of January, 2012.

KING & DOLAGHAN, P.A.

/s/ T. Eileen Dolaghan

Candyce M. King

Florida Bar No, 307210

T. Eileen Dolaghan

Florida Bar No. 193844

*edolaghan@msn.com*

2219 Park Street

Jacksonville, Florida 32204

Phone: 904-387-9886

Fax: 904-387-9862

Attorney for Debtor

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

In re:  
ZANE BALLARD  
DIANE BALLARD  
Debtor(s).

CASE NO.: 11-03166-PMG

**MODIFIED CHAPTER 13 PLAN**

COMES NOW, the Debtor(s) and files this Modified Chapter 13 Plan. The projected disposable income of the Debtor(s) is submitted to the supervision and control of the Chapter 13 Standing Trustee, and the Debtor(s) shall pay the following sums to the Chapter 13 Standing Trustee:

**PLAN PAYMENTS**

<b><u>Payment Number by months</u></b>	<b><u>Amount of Monthly Plan payment</u></b>
<b>1- 12 (May 2011 – April 2012)</b>	<b>\$ 1,272.00</b>
<b>13-60 (May 2012 – April 2016)</b>	<b>\$ 1,336.00</b>

The Debtor(s) shall pay by **money order**, **cashier's check** or **wage deduction**, to Douglas W. Neway, Chapter 13 Standing Trustee, P.O. Box 2079, Memphis, Tennessee 38101-2079. The Debtor(s) name and case number must be indicated clearly thereon and received by the due dates for payments established by court order.

**PAYMENT OF CLAIMS THROUGH THE PLAN**

**Attorney Fees**

<b><u>Attorney Name</u></b>	<b><u>Claim Amount</u></b>	<b><u>Payment Amount</u></b>	<b><u>Payment Month Numbers</u></b>
King & Dolaghan, P.A.	\$2,900.00	\$241.68	1-12
Administrative Fee	\$1,200.00	\$25.00	13-60

**Priority Claims**

The fees and expenses of the Trustee shall be paid over the life of the Plan at the rate allowed as governed by the guidelines of the United States Trustee and

<b>Name of Creditor</b>	<b>Claim Amount</b>	<b>Payment Amount</b>	<b>Payment Month Numbers</b>
-------------------------	---------------------	-----------------------	------------------------------

There are no priority creditors in this case.

**Secured Claims**

<b>Secured Creditor</b>	<b>Claim Amount</b>	<b>Payment Amount</b>	<b>Payment Month Numbers</b>
-------------------------	---------------------	-----------------------	------------------------------

CitiFinancial Mortgage <i>1<sup>st</sup> mtg homestead</i>	\$155,933.65	\$714.18	1-60
---	--------------	----------	------

**Secured Arrearage**

<b>Name of Creditor</b>	<b>Claim Amount</b>	<b>Payment Amount</b>	<b>Payment Month Numbers</b>
-------------------------	---------------------	-----------------------	------------------------------

CitiFinancial Mortgage <i>1<sup>st</sup> mtg homestead</i>	\$12,929.82	\$0.00 \$269.37	1-12 13-60
---	-------------	--------------------	---------------

**Valuation of Security:**

<b>Name of Creditor</b>	<b>Claim Amount</b>	<b>Payment Amount</b>	<b>Payment Month Numbers</b>
-------------------------	---------------------	-----------------------	------------------------------

Bank of America <i>2008 Ford Ranger</i>	\$16,967.13 Value: \$10,108.00 Total: \$11,306.65 to pay this creditor in full satisfaction of this debt.	\$188.45 (at 4.5%)	1-60
--	---	--------------------	------

**Executory Contracts:**

The following Executory Contracts are assumed

<b>Name of Creditor:</b>	<b>Description of Collateral:</b>	<b>Month Numbers:</b>
--------------------------	-----------------------------------	-----------------------

There are no executory contracts in this case.

**Unsecured Creditors:** whose claims are allowed shall receive a pro rate share of the balance of the funds remaining after payments to Priority and Secured Creditors are made.

Property of the Estate reverts in the Debtor(s) upon confirmation of the plan.

**Other Provisions:**

1. Any claims filed after September 12, 2011, (other than governmental units) shall not receive a distribution under this plan unless specifically provided for above.

2. All creditors shall retain their liens to the extent permitted by 11 U.S.C. Section 506(d).

3. *Except as provided for in the plan, the order confirming the plan or other court order, no interest, late charges, penalties or attorney's fees will be paid or accessible by any secured creditor.*

*11U.S.C. Section 1327(a) provides:*

*“ The provisions of a confirmed plan bind the debtors and each creditor, whether or not the claim of such creditor provided for by the plan, and whether or not such creditor has objected to, has accepted, or has rejected the plan.”*

*Confirmation of the plan shall impose an affirmative duty of the holders and/or the servicers of any claims secured by liens, mortgages and/or deeds of trust on the principal residence of the Debtors to do all of the following:*

*(1.) To apply the payments received from the trustee on the prepetition arrearages, if any, only to such arrearages. For purposes of this plan, the “prepetition” arrears shall include all sums included in the “allowed” proof of claim and shall have a zero balance upon the entry of the Discharge Order in this case.*

*(2.) To deem the prepetition arrearages as contractually current upon confirmation of the plan, thereby precluding the imposition of late payment charges or other default-related fees and services based solely on the prepetition default of defaults.*

*(3.) To apply the direct post-petition monthly mortgage payments paid by the trustee or by the Debtors to the month in which each payment was designated to be made under the plan or directly by the Debtors, whether or not such payments are immediately applied by the creditor to the outstanding loan balance or are placed into some type of suspense ,forbearance, or similar account.*

**ANY POST PETITION COSTS OR EXPENSES INCURRED BY OR ON BEHALF OF ANY SECURED CREDITOR WILL BE DISCHARGED UPON COMPLETION OF THE DEBTOR'S PLAN, UNLESS SPECIFICALLY PROVIDED FOR IN THE CONFIRMATION ORDER, OR BY FURTHER ORDER OF THE COURT ON MOTION FILED PRIOR TO THE COMPLETION OF THE PLAN.**

DATED: This 19th day of January 2012.

KING & DOLAGHAN, P.A.

/s/ T. Eileen Dolaghan

T. Eileen Dolaghan  
edolaghan@msn.com  
Florida Bar Number 0193844  
2219 Park Street  
Jacksonville, FL 32204  
904/387-9886; Fax 904/387-9862  
Attorney for Debtor

Label Matrix for local noticing  
113A-3  
Case 3:11-bk-03166-PMG  
Middle District of Florida  
Jacksonville  
Wed Jan 18 17:14:35 EST 2012

American InfoSource LP as agent for  
T Mobile/T-Mobile USA Inc  
PO Box 248848  
Oklahoma City, OK 73124-8848

Business Revenue Syste  
2419 Spy Run Ave Ste A  
Fort Wayne, IN 46805-3250

City of Jacksonville  
117 West Duval Street Ste. 480  
Jacksonville, FL 32202-5721

Enhanced Recovery Co  
10550 Deerwood Park Blvd  
Jacksonville, FL 32256-0596

Ford Motor Credit Corporation  
Ford Credit  
Po Box 6275  
Deerborn, MI 48121-6275

Hsbc Bank  
Po Box 5253  
Carol Stream, IL 60197-5253

Merchants Assoc Cool D  
134 S Tampa St  
Tampa, FL 33602-5396

Midland Credit Management, Inc.  
8875 Aero Drive, Suite 200  
San Diego, CA 92123-2255

Superior Mgt  
Attn: Bankruptcy  
Po Box 468089  
Atlanta, GA 31146-8089

United States Bankruptcy Court  
300 North Hogan Street Suite 3-350  
Jacksonville, FL 32202-4267

Bank Of America  
Attn: Bankruptcy NC4-105-02-99  
Po Box 26012  
Greensboro, NC 27420-6012

Citibank Usa  
Citicorp Credit Services/Attn: Centraliz  
Po Box 20507  
Kansas City, MO 64195-0507

Collection  
Po Box 9133  
Needham, MA 02494-9133

Florida Department of Education  
Office of Student Financial Assistance  
PO Box 7019  
Tallahassee, FL 32314-7019

Gemb/belk  
Po Box 981491  
El Paso, TX 79998-1491

Internal Revenue Service  
PO Box 7346  
Philadelphia, PA 19101-7346

Merchants Association Collec  
P.O. Box 2842  
Tampa, FL 33601-2842

Off Of Stu Fin Assista  
1940 N Monroe St Ste 70  
Tallahassee, FL 32303-4759

USAA FEDERAL SAVINGS BANK  
C O Weinstein And Riley, PS  
2001 Western Avenue, Ste 400  
Seattle, Wa 98121-3132

CitiMortgage, Inc.  
P.O. Box 688971  
Des Moines, IA  
50368-8971

Bank of America, N.A.  
P. O. Box 26012  
NC4-105-03-14  
Greensboro, NC 27420-6012

Citifinancial Mortgage  
Po Box 9438  
Gaithersburg, MD 20898-9438

Duval County Tax Collector  
231 Forsyth St. #130  
Jacksonville FL 32202-3380

Florida Dept. of Revenue  
Bankruptcy Unit  
P.O. Box 6668  
Tallahassee, FL 32314-6668

Gemb/jcp  
Attention: Bankruptcy  
Po Box 103104  
Roswell, GA 30076-9104

Medicredit Corp  
3620 I 70 Dr Se Ste C  
Columbia, MO 65201-6582

Midland Credit Management  
Po Box 939019  
San Diego, CA 92193-9019

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

United States Attorney  
300 North Hogan St Suite 700  
Jacksonville, FL 32202-4204

Usaa Federal Savings  
Po Box 47504  
San Antonio, TX 78265-7504

Wells Fargo  
Attn: Collection Servicing, 1st Floor, M  
1 Home Campus  
Des Moines, IA 50328-0001

Wells Fargo Education Financial Services  
301 E. 58th St. N.  
Sioux Falls, SD 57104-0422

Diane Ballard  
4812 Oakeside Dr  
Jacksonville, FL 32244-4718

Douglas W. Neway  
P O Box 4308  
Jacksonville, FL 32201-4308

T. Eileen Dolaghan  
King & Dolaghan, P.A.  
2219 Park Street  
Jacksonville, FL 32204-4315

Zane Ballard  
4812 Oakeside Dr  
Jacksonville, FL 32244-4718

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Portfolio Recovery Associates, LLC  
POB 41067  
Norfolk VA 23541

End of Label Matrix	
Mailable recipients	36
Bypassed recipients	0
Total	36